

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 12, 1998

DIVISION ONE

B111434 Kim, et al. (Not for Publication)
v.
Wilshire Tower Apartments, Inc.

We affirm the summary judgment. Defendant is awarded costs on appeal.

Ortega, J.

I concur: Vogel (Miriam A.), J.
I dissent: Spencer, P.J. (Opinion)

DIVISION TWO

B106770 Beitler & Associates, Inc. (Not for Publication)
v.
The Gersh Agency, Inc.

The judgment is affirmed.

Zebrowski, J.

We concur: Boren, P.J.
 Fukuto, J.

B110423 People (Not for Publication)
v.
Corona

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Zebrowski, J.

March 12, 1998-Continued

DIVISION TWO (Continued)

[illegible]

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Zebrowski, J.

DIVISION THREE

B101554 Philip Miller (Not for Publication)
v.
Stephen Botwin

The order appealed from, insofar as it imposes a surcharge on Philip for losses due to his securities trading, is reversed. In all other respects it is affirmed. The matter is remanded with directions to the trial court to redetermine, in accordance with the views expressed herein, the surcharge due to securities trading losses. Botwin's request for sanctions on appeal is denied. Botwin shall recover his costs on appeal.

Croskey, Acting P.J.

I concur: Aldrich, J.

B108527 Veronica Miller (Not for Publication)
v.
Raymond F. Miller, Jr.

The trial court's orders are affirmed. Wife is awarded costs on appeal.

Croskey, Acting P.J.

I concur: Kitching, J.

DIVISION FOUR

(Certified for Publication)

B118164 Los Angeles County Department of Children and Family Services
v.
Superior Court, Los Angeles County
(Paul Anthony C. et al., r.p.i.)

Let a peremptory writ of mandate issue compelling respondent court to set aside its order of November 7, 1997, denying Department's request that Paul be returned to the care of Ms. B. in Los Angeles, California, pending permanent placement and to enter a new and different order granting that request.

Vogel (C.S.), P.J.

I concur: Hastings, J.

I concur in part and dissent in part: Baron, J. (Opinion)

B108064 Iruke (Not for Publication)
v.
Iruke

The judgment of the superior court is affirmed.

Czuleger, J. (Assigned)

We concur: Vogel (C.S.), P.J.
Hastings, J.

DIVISION FIVE

B115719 People (Not for Publication)
v.
Christopher Dunell H.

The order of wardship is affirmed. The matter is remanded to the juvenile court for an express declaration as to whether the burglary is a misdemeanor or a felony.

Grignon, J.

We concur: Turner, P.J.
Armstrong, J.

DIVISION FIVE (Continued)

B115522 Los Angeles County, D.C.S. (Not for Publication)

v.

Doreen M.

In re Kenneth B. et al., Minors

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.

Godoy Perez, J.

B107874 People (Not for Publication)

v.

Robert McCrimmon

The judgment is affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.

Godoy Perez, J.

B106041 People (Not for Publication)

v.

Katherine Redmon

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.

Armstrong, J.

March 12, 1998-Continued

DIVISION FIVE (Continued)

B110609 People (Not for Publication)
v.
Richard Woodry

The matter is reversed and remanded to the trial court for reconsideration of defendant's motion for new trial in light of the views expressed herein.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

B114656 People (Not for Publication)
v.
Jose Santos Corea

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

B102997 Dorothy Shea, et al. (Not for Publication)
v.
Imperial Thrift and Loan Assoc.

The judgment is affirmed as to the causes of action for negligence per se and nuisance. The judgment is reversed as to appellant's causes of action for breach of contract, negligence, and declaratory relief, and remanded for further proceedings. Appellant to recover her costs on appeal.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

March 12, 1998-Continued

DIVISION FIVE (Continued)

B110657 People (Not for Publication)
v.
Oscar L.

The matter is remanded to the juvenile court for an express declaration pursuant to Welfare and Institutions Code section 702 and possible recalculation of the maximum period of confinement. In all other respects, the judgment is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

B111598 People (Not for Publication)
v.
Donald Ray Hill

B119009 In re Donald Ray Hill on Habeas Corpus

We affirm the judgment and deny the petition for writ of habeas corpus.

Godoy Perez, J.

We concur: Turner, P.J.
 Armstrong, J.

B107739 People (Not for Publication)
v.
Irina Kats

B119346 In re Irina Kats on Habeas Corpus

We affirm the judgment and deny the petition for writ of habeas corpus.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

March 12, 1998-Continued

DIVISION FIVE (Continued)

B111783 People (Not for Publication)

V.

Brian Douglas Hartman

The judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.

Armstrong, J.

B086805 People (Not for Publication)

V.

Johnny Lee Williams

The order imposing sentence is reversed. The trial court is instructed to vacate the sentence and to proceed thereafter in accordance with the views expressed in *People v. Superior Court (Romero)*, *supra*, 13 Cal.4th 497.

The judgment of conviction is affirmed.

Armstrong, J.

We concur: Turner, P.J.

Grignon, J.

B111890 Los Angeles County, D.C.S. (Not for Publication)

V.

E., Patricia

In re Ashely P.

The order denying de facto parent status to appellant is reversed.

Armstrong, J.

We concur: Turner, P.J.

Grignon, J.

DIVISION FIVE (Continued)

B109299 People (Not for Publication)
v.
Abel M. Ordaz et al.

The section 12022.7 enhancement imposed on Savala for the aggravated mayhem conviction (Count V) is ordered stricken. The abstract of judgment is ordered corrected to reflect the imposition of a one-year enhancement term (one-third the term) pursuant to section 12022.7 on Savala's conviction for child abuse (Count VIII). The resulting sentence for Savala is two concurrent terms of life with the possibility of parole plus five years and four months. The judgment is affirmed in all other respects.

Armstrong, J.

We concur: Turner, P.J.
Godoy Perez, J.

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The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
Godoy Perez, J.

B110816 People (Not for Publication)
v.
Francisco Flores

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
Godoy Perez, J.

March 12, 1998-Continued

DIVISION FIVE (Continued)

B111466 People (Not for Publication)

V.

Dennis Ckaiborne

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.

Godoy Perez, J.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Stone, P.J., Gilbert, J., Yegan, J., and G. Bents, Deputy Clerk.

Calendar called for appearances and time estimates.

Coffee, J. assumed the bench at 9:15 A.M.

B112368 Diving Systems International

V.

Jackson

Merits:

Argued by Michele Nelson for appellant and by James P. Ballantine for respondent. Cause submitted.

B116556 Bim

V.

Santa Barbara Co. Superior Court (Jane Doe)

Mandate:

Presented by David J. Ozeran for petitioner and by Mark S. Cornwall for real party in interest. Cause submitted.

DIVISION SIX (Continued)

B112040 Norris
 v.
 Dick

Merits:

Argued by Kenneth L. Heisz for appellant and by Bernard P. Simons for respondent. Cause submitted.

Coffee, J. left the bench at 9:56 A.M.

B106311 Tizzano
 v.
 PG & E

Merits:

Argued by Martin P. Moroski for appellant and by Alan A. Blakeboro for respondent. Cause submitted.

Court recessed at 10:35 A.M.

Court reconvened at 10:45 A.M.

Present: Gilbert, Acting P.J., Yegan, J., Coffee, J., and G. Bents, Deputy Clerk.

B101382 Barner
 v.
 Leeds

Merits:

Argued by Drew Allan Cicconi for appellant and by Steven J. Renick for respondent. Cause submitted.

DIVISION SIX (Continued)

B110050 Marriage
 of
 Iarikova

Merits:

Argued by Gary W. Bowen for appellant and by Natalia Iarikova,
respondent appearing in propria persona with interpreter.
Cause submitted.

Court recessed at 12:05 P.M.

Court reconvened at 1:30 P.M.

Present: Stone, P.J., Gilbert, J., Yegan, J., Coffee, J., and G. Bents, Deputy Clerk.

Each of the following:

B109241 People v. Savedra
B112069 People v. Stangl
B112750 People v. Caballero
B113157 People v. Lozano & Lopez
B113932 People v. Tino V.
B114589 People v. Bravot
B115397 People v. Lopez

Argument waived, cause submitted.

B111328 People
 v.
 Whitfield

Merits:

Argued by Susan E. Hier appearing in Division Six for appellant and
Michael A. Katz, Deputy Attorney General, appearing via video conference
for respondent. Cause submitted.

DIVISION SIX (Continued)

B113744 People
 v.
 Segoviano

Merits:

Argued by Paul M. Posner appearing in Division Six for appellant and Kyle S. Brodie, Deputy Attorney General, appearing via video conference for respondent. Cause submitted.

B112113 People
 v.
 Birdwell

Merits:

Argued by Jerry D. Whatley appearing in Division Six for appellant and Arthur H. Auerbach, Deputy Attorney General, appearing via video conference for respondent. Cause submitted.

Yegan, J. leaves the bench.

B112630 People
 v.
 Tunis

Merits:

Argued by Wendy C. Lascher appearing in Division Six for appellant and Theresa A. Cochrane, Deputy Attorney General, appearing via video conference for respondent. Cause submitted.

Court adjourned at 2:30 P.M.

DIVISION SEVEN

B107252 People
 v.
 Shell

Filed order denying petition for rehearing.

B114473 Brezae
 v.
 Superior Court, Los Angeles County
 (Edelman et al., r.p.i.)

Filed order denying petition for rehearing. Justice Neal would grant rehearing.